

REMARKS

Applicant responds herein to each of the issues raised in the Final Action. However, as the rejections in the Final Action generally remain unchanged from those of the previous action, Applicant will only respond herein to newly raised matter in the Final Action. In particular, Applicant will only respond to an interpretation of the primary reference first used in the Final Action in rejecting independent Claims 1 and 11, where it is stated that "only one aperture 22r is moved, column 10, lines 24-26." Final Action, p. 3. To ensure that this submission is fully responsive, Applicant incorporates by reference herein Applicant's previous Amendment mailed March 1, 2005. Applicant submits that the present application is in form for allowance for the reasons discussed below.

The Prior Art Rejections:

Claims 1-13 and 15 are pending in this application. Claims 1, 2, 4, 11 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,774,613 to Okita *et al.* ("Okita"). See Final Action, page 2. Applicant respectfully submits that many of the recitations of the pending claims are not met by Okita for at least the reasons discussed herein and in Applicant's previously filed Amendment of March 1, 2005. Therefore, Applicant respectfully requests reconsideration of the pending rejections.

Independent Claim 1 of the present application recites:

A method for calibrating a photocontrol device having at least one flexible mounting leg mounting the photosensor to a circuit board and being electrically coupled to activate a switching device, the method comprising:
positioning the photocontrol device proximate a light source;
positioning an aperture between the photosensor and the light source; and
adjusting an angle between the at least one flexible mounting leg and the circuit board **without moving the aperture to calibrate a sensitivity of the photocontrol device to light from the light source passing through the aperture.**

Independent Claim 11 of the present application recites:

A method for calibrating a photocontrol device including a photosensor positioned to receive light from an aperture, the method comprising:
bending a flexible mounting leg of the photosensor **to a selected**

misalignment relative to the aperture to provide a desired sensitivity of the photocontrol device to light from the aperture.

Applicant submits that at least the highlighted recitations of Claims 1 and 11 are not met and that the rejections of those claims are based on an error of fact in how the rejections of these claims allege the apparatus of Okita is arranged.

In particular, the error of fact is stated in the Response to Arguments section of the Final Action. With respect to Claim 1, the Final Action states "Okita discloses that the angle [fill in rest] is stationary, column 10, lines 24-26)." Final Action, p. 6. With respect to Claim 11, the Final Action states "[w]hen (22e) is bent, it not only creates an angle with respect to (22c) but also with respect to (22r)(Fig. 1a)(note only one 22r is moved, column 10, lines 24-26)." Final Action, p. 5.

As an initial matter, Applicant notes that Okita relates to a photosensor block "for use with a zero track sensor of a disk drive unit of the like." Okita, Abstract. As best seen in Figures 1(a) and 1(b) of Okita, the photosensor 22a includes a light emitting element and a light receiving element behind respective slits 22r with a gap 22q between the light emitting element and the light receiving element. Okita, Col. 9, lines 19-26. When a shutter member 23d that moves with the carriage 12 passes into the gap 22q, it breaks interrupts the light path between the light emitting and light receiving elements, thereby allowing for detection of a position (associated with the "zero track") of the carriage 12. Okita, Col. 9, lines 19-21, Col. 10, lines 17-24; Col. 1, lines 10-17, 36-43.

In contrast, the present application relates to calibration of photocontrol devices that detect ambient light or the like through an aperture. Such devices are used, for example, "to turn on the street lights at dusk." Specification, p. 1, lines 5-10.

The rejections of the independent claims point to the photosensor 22a of Okita as disclosing the photosensor of Claims 1 and 11, the base member 22c of Okita as disclosing the recited "circuit board" of Claim 1, the legs 22e of Okita as disclosing the leg(s) of Claims 1 and 11 and the slits 22r of Okita as disclosing the aperture of Claims 1 and 11. The rejections further assert that the described adjustment of position of the photosensor 22a of Okita using the bolt 22k to set the carriage 12 position identified as the "zero track" position discloses the recited calibration operations of Claims 1 and 12. However, in making this

assertion, the Final Action acknowledges that the basis of the rejections of both Claims 1 and 11 hinges on a conclusion that "only one" of the slits 22r is moved when the bolt 22k is moved and the legs 22e are bent. Final Action, pp. 5-6. This alleged teaching of Okita is based on the text at column 10, lines 24-26 of Okita.

As an initial matter, it is physically impossible to move only one of the slits 22r as the entire photosensor 22a moves when the legs 22e are bent. The light emitting element and the light receiving element are both in fixed relative positions in a unitary sensor body. *See, e.g.,* Okita, Figure 1(b). Furthermore, the portion of Okita cited in the Final Action as disclosing moving only one of the slits 22r, while admittedly very poorly written, is actually stating the opposite, that an advantage of the device of Okita is that the relationship between the light emitting element and the light receiving element through the respective slits 22r is not changed and, as such, the characteristics of the light path therebetween remains unchanged when the legs 22e are bent to calibrate the device.

To understand the meaning of the garbled portion of the text cited in the Final Action, Applicant notes that it must be considered in the context of the preceding paragraph and the figures. These portions of the text of Okita read as follows:

By constituting the zero track sensor 22 in such a manner as described above, it is made possible to mount the photosensor block as a single block on the housing 2 and position the magnetic head 19 to the zero track position in which relative positions of the shutter member 23d and the slits 22r are adjusted. **In particular, if the magnetic head 19 is brought to the zero track position, the shutter member 23d is substantially positioned near a light path between the slits 22r, and then if the bolt 22k is turned to press against one of the legs 22e from sidewardly, the positions of the slits 22r are displaced substantially in parallel relationship in accordance with an extension of the bolt 22k.** Here, a position in which a sufficient signal output can be obtained by interception of a light beam along the light path by the shutter member 23d is found by adjustment of the bolt 22k, and if the photosensor 22a is positioned there, the position for detection of the zero track can be determined with accuracy.

In the course of the adjusting process, **adjustment of the position of one of the slits 22r can be carried out only by turning of a bolt 22k**, and in this instance, wherever the other opposing slit 22r is positioned then, **it will move substantially in parallel relationship to an end edge of the shutter member 23d.** Accordingly, an output characteristic (resolution) of a detection signal caused by interception of a light beam is stabilized independently of the positions of the slits.

Okita, Col. 10, lines 5-30 (emphasis added).

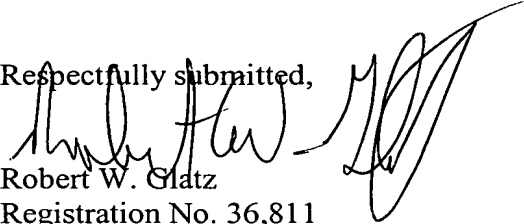
Applicant submits that the reference to adjustment of the position of "one of the slits 22r can be carried out only by turning of the bolt 22k," while interpreted by the Final Action as saying independently moving one slit 22r relative to another is, in light of the figures and the preceding paragraph, a reference to a feature that the only way to adjust a position of a slit 22r is by moving the bolt 22k. The further comments about moving in a parallel relationship then indicate that the other slit 22r moves with the paired slit thereto.

While Applicant acknowledges such an interpretation, if only the cited lines 24-26 of Okita are considered, would be a strained interpretation of the language, Applicant notes that a reference must be considered in its entirety. Given the preceding paragraph and the figures, Applicant submits that no other interpretation is supported by the disclosure of Okita. Accordingly, Applicant submits that Okita does not disclose such independent movement of a single aperture. Therefore, Applicant respectfully requests that the rejections of Claims 1, 2, 4, 11 and 12 be reconsidered and this case passed to allowance.

CONCLUSION

Applicant respectfully submits that, for the reasons discussed above and in Applicant's previous Amendment, the reference cited in the present rejections do not disclose or suggest the present invention as claimed. Accordingly, Applicant respectfully requests allowance of all the pending claims and passing this application to issue.

Respectfully submitted,

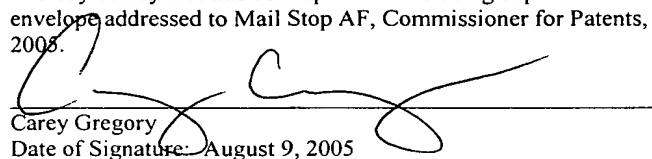

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Carey Gregory

Date of Signature: August 9, 2005

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